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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	Criminal Case No. 07CR3157-JLS
Plaintiff,	)	DATE: February 8, 2008
	)	TIME: 1:30 p.m.
v.	)	
	)	GOVERNMENT'S MOTION FOR RECIPROCAL DISCOVERY AND FOR FINGERPRINT EXEMPLARS
LUIS BRAVO-GONZALEZ,	)	
Defendant.	)	

COMES NOW the plaintiff, UNITED STATES OF AMERICA, by and through its counsel, Karen P. Hewitt, United States Attorney, and Steven De Salvo, Assistant United States Attorney, and hereby files its MOTION FOR RECIPROCAL DISCOVERY AND FINGERPRINT EXEMPLARS. Said motion is based upon the files and records of the case, and argument.

I.

RECIPROCAL DISCOVERY

The Government hereby requests the defendant to deliver all material to which the Government may be entitled under Fed. R. Crim. P. 16(b) and 26.2.

II.

THE UNITED STATES'S MOTION FOR FINGERPRINT EXEMPLARS SHOULD BE GRANTED

Part of the United States' burden of proof in this case is to satisfy the jury that the Defendant is the same individual who was deported from the United States to Mexico. To make that showing, the United States will call an expert in fingerprint identification to testify that the Defendant is in fact the individual whose fingerprints appear on the warrant of deportation. The most efficient and conclusive manner of establishing this information is to permit the expert witness himself to take a set of Defendant's fingerprints for comparison.

Defendant's fingerprints are not testimonial evidence. See Schmerber v. California, 384 U.S. 757 (1966). Using identifying physical characteristics, such as fingerprints, does not violate Defendant's Fifth Amendment right against self-incrimination. See United States v. DePalma, 414 F.2d 394, 397 (9th Cir. 1969); Woods v. United States, 397 F.2d 156 (9th Cir. 1968). The United States therefore respectfully requests that the Court order that Defendant make himself available for fingerprinting by the United States' fingerprint expert.

III.

CONCLUSION

For the foregoing reasons, the Government respectfully requests reciprocal discovery and fingerprint exemplars..

DATED: February 1, 2008

Respectfully submitted,

KAREN P. HEWITT
United States Attorney

s/ Steven De Salvo

STEVEN DE SALVO
Assistant U.S. Attorney
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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. LUIS BRAVO-GONZALEZ, Defendant.	)	Case No. 07CR3157-JLS CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED THAT:

I, STEVEN DESALVO, am a citizen of the United States and am at least eighteen years of age. My business address is 880 Front Street, Room 6293, San Diego, California 92101-8893.

I am not a party to the above-entitled action. I have caused service of MOTION FOR RECIPROCAL DISCOVERY AND FINGERPRINT EXEMPLARS on the following parties by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them.

Shaffy Moeel
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I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 1, 2008

s/ Steven De Salvo
STEVEN DE SALVO